

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

JEFF MCGRAW

Plaintiff,

vs.

MARY PEEKS, et al.,

Defendants.

)
)
)
)
)
)
)
)
)
)

Case No. 21-cv-800-SMY

MEMORANDUM AND ORDER

YANDLE, District Judge:

This matter is before the Court on the Report and Recommendation (“Report”) of United States Magistrate Judge Reona J. Daly (Doc. 43), recommending the granting in part and denying in part the motion for summary judgment for failure to exhaust administrative remedies filed by Defendants Mary Peeks, Alfonso David, and Wexford Health Sources, Inc. (Doc. 32). No objections have been filed to the Report. For the following reasons, Judge Daly’s Report and Recommendation is **ADOPTED**.

When neither timely nor specific objections to a Report and Recommendation are made, the Court need not conduct a *de novo* review of the Report. *See Thomas v. Arn*, 474 U.S. 140 (1985). Instead, the Court reviews the Report for clear error. *Johnson v. Zema Systems Corp.*, 170 F.3d 734, 739 (7th Cir. 1999). The Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1).

Here, Judge Daly thoroughly discussed and supported her conclusions that Plaintiff failed to exhaust his administrative remedies against Defendants David and Wexford prior to filing this lawsuit. The Court finds no clear error in Judge Daly’s findings, analysis and conclusions, and adopts her Report and Recommendation in its entirety.

Accordingly, Defendants' motion for summary judgment for failure to exhaust administrative remedies (Doc. 32) is **GRANTED in part** and **DENIED in part**. Plaintiff's claims against Defendants David and Wexford are **DISMISSED** without prejudice; Count 1 against Defendants Peeks and Mitchell and Count 3 against Defendant Peeks shall proceed. The Clerk of Court is **DIRECTED** to terminate Defendants David and Wexford.

IT IS SO ORDERED.

DATED: September 6, 2022



STACI M. YANDLE
United States District Judge